

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 29, 1993  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:09 a.m. Mayor Golding convened the Redevelopment Agency at 11:06 a.m. to meet simultaneously with the City Council. The City Council meeting was recessed by Mayor Golding at 12:11 p.m. to convene the Special Joint Meeting with the Redevelopment Agency. Mayor Golding reconvened the City Council meeting and the Redevelopment Agency simultaneously at 12:12 p.m. with Council Member Hartley not present. Mayor Golding recessed the meetings at 12:16 p.m. to convene the Housing Authority. Mayor Golding reconvened the meetings at 12:17 p.m. with Council Member Hartley not present. Mayor Golding recessed the City Council meeting at 12:20 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Members Roberts and Hartley not present. Mayor Golding recessed the meeting at 4:45 p.m. to convene as the Budget Review Committee. The meeting was reconvened by Deputy Mayor Behr at 5:41 p.m. with Mayor Golding not present. City Manager Jack McGrory confirmed the authority given to him by the City Council in Closed Session on Tuesday, June 29, 1993, to enter into an emergency contract, as necessary, to continue paramedic services in the event that there is an adverse court ruling. The meeting was adjourned by Deputy Mayor Behr at 6:30 p.m. to meet in Closed Session on Tuesday, July 6, 1993, at 9:00 a.m. in the twelfth floor conference room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (mp;mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-137: (R-93-2112) ADOPTED AS RESOLUTION R-282266

Authorizing the execution of a Local Cooperation Agreement (LCA) with the Department of the Army, for the construction of an overflow weir in the middle jetty between the San Diego River Flood Control Channel and the Mission Bay Channel entrance;

authorizing the expenditure of not to exceed \$340,000 from CIP-11-280.0, Capital Outlay Fund 30245.  
(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The San Diego River Flood Control Channel and the entrance channel to Mission Bay Park was constructed by the United States Department of Army, Corps of Engineers in the late 40's and 50's. The original plans called for the southerly jetty of the San Diego River Flood Control Channel to be extended out into the ocean. However, during construction of the river channel, a sand bar formed at the entrance to the ocean. The sand bar has since been named "Dog Beach". Because of requests of the Ocean Beach community to preserve "Dog Beach" as a recreational resource, the south jetty of the San Diego River Flood Control Channel out into the ocean was never constructed. In a period of extreme flooding this decision could result in severe flooding in the community of Ocean Beach before the sand bar is washed out. To protect against this happening, the Army Corps of Engineers designed a 1,200 foot notch in the middle jetty of the San Diego River Flood Control Channel and Mission Bay Entrance Channel to take the flood flow out to sea until the sand bar is washed away. The project will be constructed by the Army Corps of Engineers and is estimated to cost \$1,300,000. The City's share of the project cost is estimated to be \$325,000 (25 percent of the total cost). This project has received the necessary permit of the California State Coastal Commission.

Aud. Cert. 9301185.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: J538-K173.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-144: (R-93-2102) CONTINUED TO JULY 13, 1993

Authorizing the execution of a Memorandum of Understanding (MOU) with the San Diego Unified School District regarding certain property located in the Scripps Miramar Ranch Community.  
(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: In January 1992, the City Council approved in concept a memorandum of understanding between the City of San Diego and the San Diego Unified School District for future park and school improvements in the Scripps Miramar Ranch Community.

The City Manager and City Attorney were directed to work with staff of the School District to develop the final Memorandum of Understanding (MOU) for proposed Council approval. The Scripps Miramar Ranch MOU provides that: (1) the School District shall construct athletic playfields on Scripps Ranch High School Campus and the City and the School District shall jointly use a portion of the Scripps Ranch High School campus for a 25-year period at no cost to the City except normal maintenance and operations expenses; (2) the City shall fast-track the District's application for rezoning of a 14-acre site west of Scripps Ranch High School campus; (3) the School District shall convey Ahrens Field to the City at no cost if a reasonably satisfactory rezoning is approved by the City; (4) water and sewer reimbursable fees are addressed; (5) the Fairbrook Elementary School site is surplus to the District's needs and, after the above rezoning, will be sold to the City at fair market value. Council approval of the MOU is recommended.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A130-135.)

MOTION BY BEHR TO CONTINUE TO JULY 13, 1993 FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-154: (R-93-1978) ADOPTED AS RESOLUTION R-282267

Supporting Assembly Bill 713 (Goldsmith) Highway Tolls: Transit Service: Demonstration Project; directing the Department of Legislative Services to make the City's position known to the author and to the appropriate legislative committees. (See Department of Legislative Services Report DLS-93-13.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93.

Recommendation to support the legislation with the following additions referred to Assemblymember Jan Goldsmith: a) should HOV lane tolls be installed for single use of the HOV lane; b) the definition of a carpool should remain as currently defined (2 people per vehicle); c) if any changes occur in the proposed legislation, the citizens of San Diego County must have input.

Districts 2,3,5,6, and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J496-537.)

MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-330: (R-93-1823) ADOPTED AS RESOLUTION R-282243

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Eastgate Technology Park Landscape Maintenance District.  
(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Eastgate Technology Park Landscape Maintenance District. The district maintains landscaped center islands, streetscapes and open space areas within the district. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 95,000
Personnel	25,871
Utilities	25,350
Incidentals	24,539*
Total Expenses	\$170,760
Reserve	30,236
Total	\$200,996
Less Carry-over & Interest	73,880
Less City Contribution	3,430
Assessed to District	\$123,686

\* Includes Assessment District Management Fee of \$10,427.

The assessment for Fiscal Year 1994 is \$1,169 per net acre. The assessment in Fiscal Year 1993 was also \$1,169 per net acre.

FILE LOCATION: STRT M-301

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334, AND 335. Second by Behr. Passed by the following

vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-331: (R-93-1835) ADOPTED AS RESOLUTION R-282244

Considering the protests, approving the modified map,  
confirming the assessments, and ordering the proposed  
maintenance, in the matter of the Lopez Canyon  
Stormwater Retention Basin Maintenance District.  
(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes  
the annual assessments for the Lopez Canyon Stormwater Retention  
Maintenance District. The district provides maintenance for the  
stormwater retention basin and the related structures.

The Fiscal Year 1994 proposed maintenance costs for the district  
as follows:

Contractual Maintenance	\$1,500
Personnel	0
Utilities	0
Incidentals	\$2,500
Total expenses	\$4,000
Reserve	\$4,875
Total	\$8,875
Less Carry-over and Interest	\$8,875
Less City Contribution	0
Assessed to District	\$ 0

The carry-over amount from the previous year and the projected  
interest is \$8,875. The proposed expenditure to maintain the  
district including incidental expenses for Fiscal Year 1994 is  
\$4,000. The \$8,875 balance remaining in the district account in  
Fiscal Year 1994 is sufficient to provide a continuing major  
maintenance reserve. Consequently, no assessments to the district  
are proposed for Fiscal Year 1994. The amount assessed to the  
district in Fiscal Year 1993 was also zero.

FILE LOCATION: STRT M-303

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334,  
AND 335. Second by Behr. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-332: (R-93-1829) ADOPTED AS RESOLUTION R-282245

Considering the protests, approving the modified map,  
confirming the assessments, and ordering the proposed  
maintenance, in the matter of the Mira Mesa Landscape  
and Lighting Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes  
the annual assessments for the Mira Mesa Landscape Maintenance  
District. The district provides maintenance of landscaped and  
paved medians, slopes and streetscapes within Zone 1 and Zone 3  
of the district.

Maintenance services are presently being provided in Zone 1 and  
Zone 3 of the district. The Fiscal Year 1994 proposed  
maintenance costs for the district are as follows:

	Zone 1	Zone 3	Total
Contractual Maintenance	\$117,000	\$45,000	\$162,000
Personnel	18,108	10,350	28,458
Utilities	37,768	25,500	63,268
Incidentals	23,794	22,895	46,689*
Total Expenses	\$196,670	\$103,745	\$300,415
Reserve	17,177	116,097	133,274
Total	\$213,847	\$219,842	\$433,689
Less Carry-over & Interest	51,200	78,600	129,800
Less City Contribution	32,644	-	32,644
Assessed to District	\$130,003	\$141,242	\$271,245

\* Includes Assessment District Management Fee of \$28,341.

The FY'94 assessment amount per dwelling unit for Zone 1 is \$3.82  
and for Zone 3 is \$67.76 compared to \$3.82 and \$67.95  
respectively for FY'93.

FILE LOCATION: STRT M-304

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334, AND 335. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: (R-93-1826) ADOPTED AS RESOLUTION R-282246

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Mission Boulevard Landscape Maintenance District.  
(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Mission Boulevard Landscape Maintenance District. The district provides maintenance of approximately 200 trees and planter boxes along Mission Boulevard from San Diego Place to Pacific Beach Drive. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$18,653
Personnel	22,728
Utilities	0
Incidentals	13,076
Total Expenses	\$54,457
Reserve	4,128
Total	\$58,585
Less Carry-over & Interest	14,551
Less City Contribution	0
Assessed to District	\$44,034

The annual assessment for Fiscal Year 1994 is \$11.73 per dwelling unit.

The assessment for Fiscal Year 1993 was also \$11.73.

FILE LOCATION: STRT M-305

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334, AND 335. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-334: (R-93-1832) ADOPTED AS RESOLUTION R-282247

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Penasquitos East Landscape Maintenance District.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Penasquitos East Landscape Maintenance District. The district provides maintenance of landscape medians and open space within the district. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$110,000
Personnel	12,937
Utilities	18,600
Incidentals	41,047*
Total Expenses	\$182,584
Reserve	35,287
Total	\$217,871
Less Carry-over & Interest	44,400
Less City Contribution	16,310
Assessed to District	\$157,161

\* Includes Assessment District Management Fee of \$11,146.

The amount to be assessed to the district in Fiscal Year 1994 will be \$11.90 per dwelling unit. The assessment for Fiscal Year 1993 was also \$11.90 per dwelling unit.

FILE LOCATION: STRT M-306

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334, AND 335. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: (R-93-1838) ADOPTED AS RESOLUTION R-282248

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Linda Vista Road Landscape Maintenance District.

(Linda Vista Community Area. Districts-5 & 6.)

CITY MANAGER SUPPORTING INFORMATION: The Linda Vista Road Landscape Maintenance District was established in April 1990. The maintenance district was established for the purpose of maintaining the landscaping improvements on the raised medians and parkway areas along each side of the street within the public right-of-way. The landscaping improvements were part of the street enhancement project for Linda Vista Road between Via Las Cumbres and Genesee Avenue. The construction project along with the landscaping improvements were scheduled to be completed in May 1990. The landscaping improvements were to be maintained by the contractor for approximately one year until July 1991, at which time the district would take over the maintenance operations. As a result of the delay in completion of the construction, the scheduled start of maintenance operations by the district has also been delayed. Consequently, no assessments are levied to the district for Fiscal Year 1994. The assessment amount to the district for Fiscal Year 1994 is \$0.00.

FILE LOCATION: STRT M-302

COUNCIL ACTION: (Tape location: A206-252.)

Hearing began at 10:27 a.m. and halted at 10:30 a.m.

MOTION BY STEVENS TO ADOPT ITEMS-330, -331, -332, -333, -334, AND 335. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

Six actions related to the improvement of Dahlia and Donax Avenues (1911 Improvement Act):  
(See City Manager Report CMR-93-110. Otay Mesa-Nestor Community Area. District-2.)

Subitem-A: (R-93-1533) ADOPTED AS RESOLUTION R-282249

Resolution of feasibility for the improvement of Dahlia and Donax Avenues.

NOTE: 8 votes required for Subitem A.

Subitem-B: (R-93-1534) ADOPTED AS RESOLUTION R-282250

Ordering the work for the improvement of Dahlia and Donax Avenues.

Subitem-C: (R-93-1535) ADOPTED AS RESOLUTION R-282251

Approving the City Engineer's Report.

Subitem-D: (R-93-1536) ADOPTED AS RESOLUTION R-282252

Adopting the plans and specifications for Dahlia and Donax Avenues.

Subitem-E: (R-93-1537) ADOPTED AS RESOLUTION R-282253

Inviting sealed proposals for bids.

Subitem-F: (R-93-1538) ADOPTED AS RESOLUTION R-282254

Certifying that the information contained in Mitigated Negative Declaration DEP-91-0110, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said report has been reviewed and considered by the Council.

FILE LOCATION: STRT D-2286

COUNCIL ACTION: (Tape location: A253-278.)

Hearing began at 10:31 a.m. and halted at 10:34 a.m.

MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: HEARING HELD AND CLOSED

A preliminary public hearing regarding changes and modifications to the Final Engineer's Report for the Calle Cristobal Assessment District No. 4013, to

reapportion assessments on Canyon Country West, Units 1, 2 and 3. The subsequent hearing has been scheduled for July 13, 1993 at 10:00 a.m.  
(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: In May 1989, the City Council established the Calle Cristobal Assessment District and confirmed assessments contained in the Final Engineer's Report for the District. Subsequent to the formation of the assessment district, one property owner, the Fieldstone Company, filed final maps for the Canyon Country West Subdivision which differed from their original development plan. This revised development changed the composition and number of dwelling units which resulted in unequal assessments being placed on property identified as Canyon Country West, Units 1, 2 and 3 purchased from Fieldstone by individual home owners. The Fieldstone Company has now requested a reapportionment of the assessment liens which were originally placed on parcels within the Canyon Country West Subdivision to create equal assessments. On April 12, 1993, Council authorized the City Manager to enter into a Reimbursement Agreement with the Fieldstone Company and consultant agreements with the assessment engineer, Willdan Associates and bond counsel, Mackinzie Brown, Inc., for the purpose of preparing changes and modifications to the Final Engineer's Report. The modifications to the Final Engineer's Report have been completed. This modified report reflects the reapportionment of assessments requested by the Fieldstone Company for units in the Canyon Country West Subdivision. This Resolution of Intention will establish Council's intent to order changes and modifications to the original assessments as shown in the modified Final Engineer's Report and establish the time and date of two public hearings. This action will not confirm or change any of the existing assessments. As mandated by the Streets and Highways Code, two public hearings before Council are required before any changes and modifications to the existing assessments can be ordered.

FILE LOCATION: STRT D-2258

COUNCIL ACTION: (Tape location: A290-402.)

Hearing began at 10:35 a.m. and halted at 10:42 a.m.

Testimony by Brian Milich and Eric Beck.

ITEM-338: CONTINUED TO JULY 27, 1993

Consideration of a request for a General Plan Amendment, an Otay Mesa Community Plan Amendment, Annexation to the Otay Mesa Development District Ordinance, a Rezone, Vesting Tentative Map VTM-88-1144 (Otay Corporate Center North), and a Resource Protection Overlay Zone Permit RPO-88-1144 to redesignate and subdivide a 178.7 acre site from low and low-medium density residential use and open space to industrial and open space use. The proposed amendments would delete the requirement to construct the easterly extension of Palm Avenue to Heritage Road.

The site would be annexed to the Otay Mesa Development District Ordinance and rezoned from the A-1-10 zone to the Otay Mesa Development District Industrial Subdistrict zone. The subject property is located north of Otay Mesa Road, along the west side of Dennery Canyon and approximately 1,360 feet east of Brown Field in the Otay Mesa Community Planning Area.  
(RZ/VTM/RPO-88-1144. District-8.)

(The Otay Mesa Community Planning Group has recommended approval of this project.)

Subitem-A: (R-93-1506)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-88-1144 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-130)

Introduction of an Ordinance incorporating the site into the Otay Mesa Development District Industrial Subdistrict Zone.

Subitem-C: (O-93-131)

Introduction of an Ordinance amending Chapter X, Article 3, Division 11, of the San Diego Municipal Code, relating to the Otay Mesa Development District.

Subitem-D: (R-93-1505)

Adoption of a Resolution amending the San Ysidro/Otay Mesa Enterprise Zone.

Subitem-E: (R-93-1504)

Adoption of a Resolution amending the Otay Mesa Community Plan and amending the Progress Guide and General Plan, to become effective at the next scheduled omnibus hearing.

Subitem-F: (R-93- )

Adoption of a Resolution granting or denying the Vesting Tentative Map VTM-88-1144, with appropriate findings to support Council action.

Subitem-G: (R-93- )

Adoption of a Resolution granting or denying RPO-88-1144 with appropriate findings to support Council action.

FILE LOCATION: Subitems-A,D: LAND-Otay Mesa Community Plan;  
Subitems-B,C: -- ; Subitem-E: LAND-Otay Mesa Community Plan and Progress Guide and General Plan; Subitem-F: SUBD-Otay Corporate Center North; Subitem-G: PERM-RPO-88-1144

COUNCIL ACTION: (Tape location: A136-153.)

MOTION BY VARGAS TO CONTINUE TO JULY 27, 1993 FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: (R-93-2069) ADOPTED AS RESOLUTION R-282255

Accepting the recommendations in City Manager Report CMR-93-188, Continued Treatment of Tijuana Sewage in the San Diego Metropolitan Sewerage System (Metro) to:

1. Continue treating sewage from Tijuana, Mexico, unless there are capacity-related reasons that would preclude the City from doing so;
2. Renew the expired agreement, adopted by City Council on July 22, 1991, with the International Boundary and Water Commission so that the City has a

formal contract delineating responsibility and liability;

3. Direct City staff to pursue funding alternatives;

4. Direct City staff to provide informational reports to Council on a quarterly basis regarding the status of funding.

(See City Manager Report CMR-93-188. Tijuana River Valley Community Area. District-8.)

CITY MANAGER RECOMMENDATIONS:

1) Direct the Manager to demand that the federal government live up to its responsibilities to adequately budget for compensation to the City of San Diego for treating Tijuana sewage;

2) Direct the Manager to renew the expired agreement with the International Boundary and Water Commission (IBWC) so that the City has a formal contract delineating responsibility and liability;

3) Direct staff to pursue funding alternatives as outlined in the Manager's report;

4) Direct staff to provide informational memoranda to City Council on a quarterly basis regarding the status of funding.

WU-CWP-93-146.

FILE LOCATION: WATER-Treatment of Tijuana Sewage and San Diego Metropolitan Sewerage System (Metro)

COUNCIL ACTION: (Tape location: A409-B161.)

MOTION BY VARGAS TO ACCEPT THE CITY MANAGER'S RECOMMENDATIONS WITH THE UNDERSTANDING THAT THE FEDERAL GOVERNMENT IS TO LIVE UP TO ITS RESPONSIBILITY AND PAY FOR THIS CONTINUING TROUBLE WITH THE SEWAGE PROBLEM. IF THE FEDERAL GOVERNMENT DOES NOT LIVE UP TO ITS RESPONSIBILITY, THE CITY MANAGER IS DIRECTED TO WITHHOLD MONEY OWED TO IBWC. THE CITY MANAGER IS ALSO DIRECTED TO CONTINUE FURNISHING COUNCIL WITH QUARTERLY REPORTS ON WHAT IS GOING ON AND WHAT IS THE FEDERAL GOVERNMENT GOING TO DO ABOUT THIS PROBLEM. IN ADDITION, STAFF IS TO RESPOND TO ANY IMPLICATIONS OF WITHHOLDING OF THE \$8,000,000. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: (R-93-1701) CONTINUED TO JULY 13, 1993

(Continued from the meetings of May 3, 1993, Item 150, May 17, 1993, Item 203, and June 15, 1993, Item 343; last continued at Mayor Golding's request, for a report from the City Manager with a recommendation either accepting the district's recommendation or a modification of the district's recommendation.)

Adopting the recommendation of the Public Facilities and Recreation Committee regarding the adoption of amendments to the weighted vote for the San Diego Area Wastewater Management District, as provided in City Attorney's Reports RC-93-22 and RC-93-17.

(See City Manager Report CMR-93-99 and City Attorney Reports dated 4/16/93 and 4/7/93.)

COMMITTEE ACTION: Reviewed by PFR on 4/14/93. Recommendation to approve the City Manager's recommendation to revise the District's weighted vote methodology with the additional stipulation that a motion calling for a weighted vote will not require a second to the motion. Districts 3, 6 and 8 voted yea. District 7 voted nay. District 5 not present.

CITY MANAGER'S RECOMMENDATION: Approve the recommended revisions to the District weighted vote methodology.

OTHER RECOMMENDATIONS: The revised methodology was approved by the District Board of Directors with San Diego representatives abstaining.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Area Wastewater Management District (District) Board of Directors has endorsed a new methodology for the District's weighted vote process. (City of San Diego Board Members abstained from this vote.) The existing methodology, pursuant to Section 316(a) of Senate Bill 1225 states, "...when the weighted vote is taken there shall be a total of 100 possible votes. Fifty of those votes shall be allocated to the City of San Diego, irrespective of its average daily flow. The allocation of the remaining fifty votes to the remaining member agencies shall be determined pursuant to subdivision (b)." The District's proposed methodology is as follows: Under this proposal, the call for a weighted vote would nullify the prior roll call vote. This procedure, calling for the weighted vote, is unchanged from existing procedure.

Then, in order for a weighted vote to pass, two conditions must be met. The vote must be carried by both a majority of the flow (San Diego) and a majority of the regular votes (San Diego and at



least five other votes based upon current membership). With this new system of weighted votes, San Diego would always be able to veto a measure because of controls of the majority of the flow. However, non-veto action on the part of the City of San Diego would require some consensus building.

Additionally, a weighted vote would no longer be permitted in cases concerning the hiring, firing, or terms of employment for both the District General Manager and District General Counsel. A vote in support of this change will not immediately change District procedures.

Final approval for these changes must be granted by the California State Legislature through amendment of Senate Bill 1225.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A154-205.)

MOTION BY ROBERTS TO CONTINUE TO JULY 13, 1993 AT MAYOR GOLDING'S REQUEST FOR TIME FOR COUNCIL MEMBERS TO REVIEW THE CITY MANAGER'S MEMORANDUM BEING DISTRIBUTED TODAY. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: (R-93-2012) ADOPTED AS RESOLUTION R-282256

Fiscal Year 1993 Budget Action for the Southcrest Project Areas: Accepting \$250,000 in land sales proceeds from the Mt. Hope Redevelopment Project as repayment on an interest-bearing loan made to the Redevelopment Agency from the City of San Diego;

Authorizing a transfer of \$250,000 as an interest bearing loan to the Redevelopment Agency for use in the Southcrest National City Mitigation budget, Fund 98334;

Amending the FY 93 Dells Imperial Study Area budget by adding \$60,503.49 that had been originally designed for Fund 98334;

Amending the Southcrest Redevelopment Project Area budget, Fund 98330, Department No. 97166-Sales Tax, to appropriate \$98,498.54 in available sales tax funds;

Directing the Auditor and Comptroller to record the transfer of \$250,000 to the Redevelopment Agency, as an interest bearing loan, to be repaid as soon as practicable, from tax increment or other appropriate revenues.

(See Memo from SEDC. District-4.)

NOTE: See the Redevelopment Agency Agenda of June 29, 1993 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C543-D080.)

MOTION BY STEVENS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: (R-93-2084) ADOPTED AS RESOLUTION R-282257

Fiscal Year 1992-93 SEDC Budget Adjustments:

Augmenting the Gateway Center West budget, Fund 98350, by \$40,000 from Tax Increment Fund 983513;

Accepting \$45,000 in sales tax proceeds from the Mt. Hope Redevelopment Project as a loan repayment; transferring \$45,000 to the Redevelopment Agency as an interest bearing loan for use in the FY 92-93 Central Imperial Project budget for implementation costs;

Directing the Auditor and Comptroller to record the loan of \$45,000, as an interest bearing loan to the Redevelopment Agency, to be repaid as soon as practicable, from tax increment or other appropriate revenues.

(See Memo from SEDC. District-4.)

Aud Cert. 9301127.

NOTE: See the Redevelopment Agency Agenda of June 29, 1993 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C543-D080.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: CONTINUED TO SEPTEMBER 28, 1993

Four actions related to findings of benefit to the Centre City Redevelopment Project for proposed agreements with HomeQuest, San Diego Youth and Community Services, The Salvation Army and St. Vincent De Paul/Marillac Homes:

(See memo from CCDC Executive Vice President dated 6/9/93.

Centre City Community Area. District-2.)

Subitem-A: (R-93-2071)

Determining the benefit of the use of funds from the Centre City Redevelopment Project Low and Moderate Income Housing Fund to pay part of the cost of acquisition and/or rehabilitation of a single-family home to house persons recovering from alcohol and drug abuse, under a proposed Acquisition and Rehabilitation Loan Agreement with HomeQuest.

Subitem-B: (R-93-2072)

Determining the benefit of the use of funds from the Centre City Redevelopment Project Low and Moderate Income Housing Fund to pay part of the cost of acquisition and/or rehabilitation of a 32-unit apartment complex, located at 5252 El Cajon Boulevard, to house approximately 40 homeless and runaway youth, under a proposed Acquisition Loan Agreement with San Diego Youth and Community Services.

Subitem-C: (R-93-2073)

Determining the benefit of the use of funds from the Centre City Redevelopment Project Low and Moderate Income Housing Fund to pay part of the cost of acquisition and/or rehabilitation of a single-family home, located at 4696 Mt. Laudo, to house persons recovering from alcohol and drug abuse, under the

proposed Acquisition Loan Agreement with the Salvation Army.

Subitem-D: (R-93-2074)

Determining the benefit of the use of funds from the Centre City Redevelopment Project Low and Moderate Income Housing Fund to pay part of the cost of acquisition and/or rehabilitation of a 93-room hotel located at 2223 El Cajon Boulevard (formerly LaFayette Hotel) to house homeless and formerly homeless men and women.

NOTE: See the Redevelopment Agency Agenda of June 29, 1993 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A006-125.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 28, 1993. IN THE MEAN TIME, STAFF IS DIRECTED TO REVIEW THIS MATTER WITH THE RESIDENTS OF THE COMMUNITY AND TO SOLICIT THEIR INPUT. STAFF IS DIRECTED TO DOCKET FOR DISCUSSION AT THE T&LU COMMITTEE THE MATTERS OF THE AFFORDABLE HOUSING POLICY, THE LOCATIONS OF AFFORDABLE HOUSING, AND THE POSSIBILITY OF DESIGNATING THE LAFAYETTE HOTEL AS AN HISTORICAL SITE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344:

Two actions related to a Resource Protection Permit for the T.M. Cobb Warehouse:  
(See Report from CCDC dated 6/11/93. Centre City Community Area. District-2.)

Subitem-A: (R-93-2086) ADOPTED AS RESOLUTION R-282258

Certifying the Final Supplement to the Final Master Environmental Impact Report for the Centre City Redevelopment Project as it pertains to the approval of application for a Resource Protection Permit for the T.M.Cobb Warehouse; making findings regarding the environmental impacts of the permit application;

adopting a Reporting and Mitigation Monitoring Program;  
adopting a Statement of Overriding Considerations.

Subitem-B: (R-93-2123) ADOPTED AS RESOLUTION R-282259

Making findings of alternative compliance to the  
Resource Protection Ordinance; approving Resource  
Protection Permit RPO-93-0128 for the T.M. Cobb  
Warehouse.

NOTE: See the Redevelopment Agency Agenda of June 29, 1993  
for a companion item.

FILE LOCATION: PERM-RPO-93-0128

COUNCIL ACTION: (Tape location: B173-C505.)

Hearing began at 11:06 a.m. and halted at 12:10 p.m.

Testimony in opposition by Janice Fahey, Ron Kirkemo, and  
Bill Adams.

Testimony in favor by Bud Fisher, Melissa McCarty, and Ed  
Plant.

MOTION BY ROBERTS TO APPROVE RECOMMENDATIONS OF THE CCDC  
BOARD. Second by Stevens. Passed by the following vote:  
Wolfsheimer-nay, Roberts-yea, Hartley-nay, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-S400:

Four actions related to Fees and Charges for FY94:

Subitem-A: (R-93-2137) ADOPTED AS RESOLUTION R-282268

Directing the City Manager to establish a Reserved  
Picnic Space Fee of \$3 per person for groups of 75 or  
more seeking to reserve space at Mission Bay Park; the  
fee would be mandatory for all catered picnics and  
optional for non-catered picnics; directing the City  
Manager to apply to the California Coastal Commission  
for a Coastal Commission Permit allowing establishment  
of a Mission Bay Park Reserved Picnic Space Fee.  
(District-2.)

Subitem-B: (R-93-2136) ADOPTED AS RESOLUTION R-282269

Directing the City Manager and City Attorney to take the appropriate actions for reduction of City Services Subsidy for non-profit events:

- 1) amend the San Diego Municipal Code Section 22.0207 to reduce the City Services Subsidy for non-profit special events from \$3,000 to \$1,000 per event;
- 2) amend the San Diego City Council Policy 100-6 to no longer exempt "Traditional Events" from paying for City services provided at events;

- 3) establish a \$25 application fee for Special Event Permits.

Subitem-C: (R-93-2146) ADOPTED AS RESOLUTION R-282270

Directing the City Manager to comply with the noticing requirements of California Government Code Section 54954.6 regarding a proposed amendment to the San Diego Municipal Code, Sections 66.0107 and 66.0112, concerning licenses and increased license fees required to collect, transport or dispose of refuse within the City of San Diego (landfill tipping fees.)

(See memo from Coleman Conrad dated 6/22/93 and City Attorney memo dated 6/21/93.)

Subitem-D: (R-93-2129) ADOPTED AS RESOLUTION R-282271

Approving in concept the establishment of parking fees at the parking lots in Balboa Park, City beaches, and Mission Bay Park, as follows:

- \$2/car for first 3 hours.
- \$1/car for each hour after 3 hours up to a maximum of \$5/day.
- For additional vehicles (e.g. trailers) and larger vehicles (e.g. R.V.s, tour buses, school buses), the fee would be proportionately higher based on the number of normal car parking spaces they require.

Authorizing the City Manager to proceed as expeditiously as possible with the preparation of any required environmental review documents necessary to allow for potential implementation of the parking fees and to return to the City council with the required environmental documents so that City Council can determine whether or not to proceed with actual implementation of the fees, including proposed funding for the purchase of necessary equipment and other non-personnel expenses required to implement parking

fees in lots presently controlled by City lessees in Balboa Park and Mission Bay Park;

Authorizing the City Manager to submit an application for a Coastal Development permit for pay parking at the beaches and Mission Bay Park.

Urging the Executive Director of the California Coastal Commission to waive the local discretionary review requirement, to expedite staff review of the City's application, and to schedule a hearing on the City's application at its August 1993 meeting.

CITY MANAGER SUPPORTING INFORMATION: On June 10, 1993, Councilmember Roberts requested information on expediting the implementation of pay parking at Balboa Park, the beaches and Mission Bay Park. This information has been provided in a referral response which outlines alternative procedures which the City Manager needs authority to concurrently pursue in order to produce, in the shortest time frame, the best result for the City, both short and long term. All of the expedited procedures target an implementation date at 9/4/93 and depend upon city Council taking specific actions on 6/28-29/93.

FISCAL AND BUSINESS IMPACT: FY94 - \$5,000,000, FY95 - \$7,500,000.

Unquantifiable impacts are expected to the institutions and museums in Balboa Park, lessees in Mission Bay Park and businesses in the beach area.

Subitem-E: DEFEATED

Approving the recommendations in City Manager Report CMR-93-197 regarding placing a proposition on the November 1993 ballot to repeal or amend the 1919 People's Ordinance regarding refuse collection.  
(See City Manager Report CMR-93-197)

CITY MANAGER'S RECOMMENDATION: Approve the basic provisions to be included in a ballot proposition as outlined in City Manager Report CMR-93-197 and direct the City Attorney to prepare an Ordinance and ballot proposition for initial Council consideration of form and content by July 19 with a final Ordinance and ballot proposition to be considered by Council on August 2.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E023-I248.)

MOTION BY VARGAS TO ADOPT A FEE INCREASE OF SEVEN DOLLARS FOR ALL PARKING CITATIONS AND TO: 1) RESTORE FUNDING FOR THE TWO FIRE TRUCK COMPANIES; 2) NOT REDUCE THE BALBOA PARK RANGERS FROM FOUR TO TWO; 3) NOT DEFER THE LIFEGUARD RESCUE BOATS; AND 4) DIRECT THE CITY MANAGER TO CONSIDER NOT ELIMINATING THE SHARED PARAMEDIC FIREFIGHTERS PROGRAM AND TO RETURN TO COUNCIL AT THE TIME OF THE APPROPRIATION ORDINANCE WITH A REPORT OF POSSIBLE MEANS OF FUNDING THIS PROGRAM. THIS FEE INCREASE WOULD GENERATE \$2,250,000, IN ADDITION TO THE \$900,000 FOR THE TWO DOLLAR SURCHARGE THAT WAS RECOMMENDED, FOR A TOTAL OF \$3,150,000. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

Motion by McCarty to amend the motion to include a sunset of one year on the surcharge. No second.

MOTION BY HARTLEY TO APPROVE THE CITY MANAGER'S RECOMMENDATION OF DEFERRAL ON THE PHASING IN OF THE BALBOA PARK EAST MESA IMPROVEMENTS. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

Motion by McCarty to defer the planning for the Balboa Park East Mesa improvements for one year. Second by Stallings. Failed. Yeas-6,7. Nays-1,2,3,4,5,8,M. Not present-none.

Subitem A:

MOTION BY STALLINGS TO ACCEPT THE CITY MANAGER'S RECOMMENDATION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

Subitem B:

MOTION BY STALLINGS TO ACCEPT THE CITY MANAGER'S RECOMMENDATION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

Subitem D:

MOTION BY STEVENS TO ACCEPT THE CITY MANAGER'S RECOMMENDATION. IF THE COUNCIL SHOULD FIND WITHIN THREE MONTHS THAT THERE ARE LEGITIMATE SUBSTANTIAL CONCERNS



REGARDING THE FEES APPROVED TODAY, TO MOVE RECONSIDERATION THEY MUST HAVE A PROPOSAL TO CUT PROGRAMS THAT CAN STILL BE CUT AT THAT TIME. Second by Stallings. Passed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

Motion by Roberts to amend Council Member Stevens motion to include that before final adoption two provisions must be met: 1) the final decision with respect to the rates, lots, fees and operational aspects will be made after there has been full community input; 2) that there be a commitment by this Council for the level of maintenance to remain the same if these parking fees are going to be extracted from the beaches. Failed. Yeas-2,3,5. Nays-1,4,6,7,8,M. Not present-none.

Subitem C:

MOTION BY WOLFSHEMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

Subitem E:

MOTION BY McCARTY TO NOT PLACE THE 1919 PEOPLE'S ORDINANCE REGARDING REFUSE COLLECTION ON THE BALLOT. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-nay, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-93-2076) ADOPTED AS RESOLUTION R-282262

A Resolution adopted by the City Council in Closed Session on Tuesday, June 29, 1993:

Authorizing the City Manager to pay the sum of \$21,737.21 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from the property damage claim of Ashley Brierton, Jeanne Cook, and James Martell; authorizing the City Auditor and Comptroller to issue one check in the amount of \$21,737.21, made payable to Luth and Turley, Inc., in full settlement of all claims.  
Aud.Cert. 9301171.

FILE LOCATION: MEET

ITEM-CS-2: (R-93-2095) ADOPTED AS RESOLUTION R-282263

A Resolution adopted by the City Council in Closed Session  
on Tuesday, June 29, 1993:

Authorizing the City Manager to pay the sum of  
\$22,600.00 in the settlement of each and every claim  
against the City of San Diego, its agents and employees  
resulting from the personal injuries to Luong Quoc Van,  
et al; authorizing the City Auditor and Comptroller to  
issue six checks in the amount of the following:  
\$5,400.00 made payable to Luong Quoc Van, \$5,700.00  
made payable to Hai Van, \$2,300.00 made payable to Loc  
Van, \$1,000.00 made payable to Alan Van, \$6,100.00 made  
payable to Kiem Hang and \$2,100.00 made payable to Phuc  
Van and their attorney Victor Wu, in full settlement of  
all claims.

Aud.Cert. 9301162.

FILE LOCATION: MEET

ITEM-CS-3: (R-93-2126) ADOPTED AS RESOLUTION R-282264

A Resolution adopted by the City Council in Closed Session  
on Tuesday, June 29, 1993:

Authorizing the City Manager to pay the sum of  
\$28,761.88 in the settlement of each and every claim  
against the City of San Diego, its agents and employees  
resulting from the property damage claim of Rhonda  
Napolitano; authorizing the Auditor and Comptroller to  
issue one check in the amount of \$25,761.88, made  
payable to Luth and Turley, Inc., and one check for up  
to but not exceeding \$3,000.00 made payable to Rhonda  
Napolitano in full settlement of all claims.

Aud.Cert. 9301195

FILE LOCATION: MEET

ITEM-CS-4: (R-93-2127) ADOPTED AS RESOLUTION R-282265

A Resolution adopted by the City Council in Closed Session  
on Tuesday, June 29, 1993:

Authorizing the City Manager to pay the sum of  
\$31,342.51 in the settlement of each and every claim  
against the City of San Diego, its agents and employees  
resulting from a property damage claim of Wesley  
Children's Christian School; authorizing the City  
Auditor and Comptroller to issue one check in the  
amount of \$31,342.51, made payable to Luth & Turley,  
Inc., in full settlement of all claims.

Aud.Cert. 9301186.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Behr at 6:30 p.m.  
in honor of the memory of Christopher Dean Gardner.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K196.)